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**MARTIN & FERRARO, LLP**  
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**FACSIMILE TRANSMITTAL**

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**TO:**

**Name:** Mail Stop AMENDMENT  
Group Art Unit 3733/Examiner James L. Swiger III

**Firm:** U.S. Patent & Trademark Office

**Fax No.:** 571-273-8300

**Subject:** U.S. Patent Application No. 10/809,149  
Gary K. Michelson

Filed: March 25, 2004

**METHOD FOR USING ARCUATE DYNAMIC  
LORDOTIC GUARD WITH MOVABLE  
EXTENSIONS FOR CREATING AN  
IMPLANTATION SPACE POSTERIORLY IN  
THE LUMBAR SPINE**

Attorney Docket No. 101.0093-02000

Customer No. 22882

Confirmation No.: 7390

**FROM:**

**Name:** Thomas H. Martin, Esq.

**Phone No.:** 330-877-2277

**No. of Pages (including this):** 5


**Date:** August 7, 2007

**Confirmation Copy to Follow:** NO

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**Message:****CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8**

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Sandra L. Blackmon

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FORM PTO-1083

AUG 07 2007

Attorney Docket No.: 101.0093-02000  
Customer No. 22882**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Gary Karlin Michelson

Serial No: 10/809,149

Filed: March 25, 2004

For: METHOD FOR USING ARCUATE  
DYNAMIC LORDOTIC GUARD WITH  
MOVEABLE EXTENSIONS FOR  
CREATING AN IMPLANTATION  
SPACE POSTERIORLY IN THE  
LUMBAR SPINE

Confirmation No.: 7390

Art Unit: 3733

Examiner: James L. Swiger III

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is a reply to the Office Action dated July 30, 2007 in the above-identified application.

- ☒ No additional fee is required.
- ☐ Applicant hereby requests a \*\*\*-month extension of time to respond to the above office action.
- ☐ The total amount of \$\*\*\* to cover the above fees is to be charged to Deposit Account No. 50-3726.
- ☒ The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-3726. **A copy of this sheet is enclosed.**
- ☒ Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims
- ☒ Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,  
MARTIN & FERRARO, LLP

Date: August 7, 2007

By:   
Thomas H. Martin  
Registration No. 34,3831557 Lake O'Pines Street, NE  
Hartville, Ohio 44632  
Telephone: (330) 877-0700  
Facsimile: (330) 877-2030

Transmittal of Reply to Office Action.DOC

FORM PTO-1083

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For: METHOD FOR USING ARCUATE	)	
DYNAMIC LORDOTIC GUARD WITH	)	
MOVEABLE EXTENSIONS FOR	)	
CREATING AN IMPLANTATION	)	
SPACE POSTERIORLY IN THE	)	
LUMBAR SPINE	)	

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**REPLY TO OFFICE ACTION**

In reply to the Office Action of July 30, 2007, the following remarks are submitted:

The Examiner has rejected claims 1-2, 4-13, 15, 17-19, 21-22, 25-30, and 44 (including independent claim 1) under 35 U.S.C. § 102(e) based on U.S. Patent Pub. 2003/0135220 to Cauthen ("Cauthen"). Additionally, the Examiner rejected claim 3 under 35 U.S.C. § 103(a) as being unpatentable over Cauthen in view of US 5,860,973 to Michelson; rejected claim 24 under 35 U.S.C. § 103(a) as being unpatentable over Cauthen in view of U.S. Patent No. 6,190,414 to Young; rejected claims 20, 23, 32-36, 40, 41-43 under 35 U.S.C. § 103(a) as being unpatentable over Cauthen in view of U.S. Patent No. 6,210,412 to Michelson; rejected claim 31 under 35 U.S.C. § 103(a) as being unpatentable over Cauthen in view of U.S. Patent No. 5,876,457 to Picha; rejected claim 38 under 35 U.S.C. § 103(a) as being unpatentable over Cauthen in view of U.S. Publication No. 2003/0023209 Gruskin; and rejected claim 39 under 35 U.S.C. § 103(a) as being unpatentable over Cauthen in view of U.S. Publication No. 2003/0229401 Mansouri. The above-discussed rejections under 35 U.S.C. §§ 102(e) and 103(a) are identical to the rejections included in the Office Action of April 11, 2007.

Reply to OA 8-7-07.doc